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SUBJECT: HONDURAN SUPREME ELECTORAL TRIBUNAL: THE FIGHT FOR
POWER BETWEEN NATIONAL AND LIBERAL PARTIES

REF: Tegucigalpa 1541

11. Summary: There is a growing dispute for control of the Honduran Supreme Electoral Tribunal (TSE) and the National Registry of Persons (RNP). These two key institutions are not yet free from the influence of the two traditional parties in Honduras. The upcoming general elections, scheduled for November 27, could be tarnished if a crisis erupts between Nationalists and Liberals who are vying to control the institutions which are central to the electoral process. The presidency of the TSE is vital because whomever controls the TSE can make decisions which will favor or damage a particular political party or campaign. Management of the RNP is crucial because it is responsible for producing 1.2 million identity cards, which are also critical for the electoral process. End summary.

Battle for Control of TSE and RNP

12. There is a growing dispute for control of the Honduran Supreme Electoral Tribunal (TSE) and the National Registry of Persons (RNP). The TSE and RNP are key institutions for the upcoming general elections, scheduled for November 27, and could be tarnished if a crisis erupts between National and Liberal Parties for control of the two institutions.

What Triggered the Crisis

13. The Secretary General of the Central Committee of the National Party and congressional candidate, David Matamoros Batson, said recently that there should be a balance in the control of key electoral institutions and that it is not acceptable for the Liberal Party to control both entities during an electoral year. He reiterated his partisan views at TSE headquarters on April 12, adding that a Consultative Committee had to resolve the issue since all five of the political parties would be represented. No official position from the National Party has been forthcoming, however Matamoros said he speaks for the party and reiterated that new negotiations over the TSE's leadership's posts must take place. President of Congress Porfirio "Pepe" Lobo, the National Party presidential candidate, who also controls the Central Committee for the National Party, followed Matamoros' declarations with his own public statement stating that a balance must be struck in the control of the TSE and the RNP.

2004 Negotiations and the TSE Rotation Plan

14. When the original negotiations for the control of the TSE and RNP took place in 2004, they were part of a package that divided political patronage posts through which the Christian Democrats, favored due to their alliance with the National Party in Congress, were able to get a significant share of patronage positions. As a result of those negotiations, the National, Liberal, and Christian Democratic parties all have key positions at the TSE and the RNP, as well as the Supreme Accounts Tribunal (TSC) and Congress. Meanwhile the other small parties, National Innovation and Unity Party (PINU) and the Democratic Union Party (UD), were frozen out.

15. The presidency of the TSE is vital because whomever controls the TSE can make decisions which will favor or damage a particular political party or campaign. Management of the RNP is crucial because it is responsible for producing 1.2 million identity cards also crucial for the electoral process. The rotation of leadership posts was reached by the TSE magistrates at the initial meeting of the TSE on May 17, 2004. The signed agreement declared that the presidency of the TSE would follow this order: Nationalist Jacobo Hernandez Cruz (2004-2005), Liberal Aristides Mejia Carranza (2005-2006) and Christian Democrat Jose Saul Escobar (2006-2007). Mejia had proposed that Hernandez assume the presidency first, from May 17, 2004 to May 17, 2005; the TSE magistrates voted unanimously for the proposed rotation of the presidency.

16. In the case of the RNP, the institution is led by Ramon Izaguirre, a member of the Liberal Party. He was chosen by Congress in 2004 for a five-year term thanks to a Liberal Party alliance with the smaller parties for the vote. At the same time Congress chose one sub-director from the Christian Democratic

Party and one second sub-director from the National Party, both for five-year terms as well.

What the Law says

17. By law, the National Congress elects the magistrates at the TSE and Director and sub-directors at the RNP. Chapter 2,

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Article 10 of the reformed Electoral Law says that the magistrates for the TSE will elect among them the president of the institution, a presidency that will rotate every year. The election of the president of the TSE must occur during the first meeting of the TSE and no president will be able to serve as president again until all three magistrates have presided over the TSE. One notable point is that in practice and reality, the TSE will not be under the control of the Liberals to the extent

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implied by some Nationalists. The TSE president cannot make unilateral decisions - the TSE's decisions must reflect the majority opinion of the magistrates. If the other two magistrates disagree with decisions by the TSE president, the majority can overrule the president.

18. With respect to the RNP, according to Articles 54 and 55 of the Electoral Law, positions are held for five years and there is no mention of rotation between the Director and sub-directors.

19. Comment: The battle between the parties is not surprising, but Post doubts there will be a change in the planned TSE presidency rotation or that Liberal Party control threatens Nationalist interests. A switch at this time, however, could cause even greater chaos and hinder planning for the TSE's administration of the general election. It will be hard for the National Party to walk away from a consensus plan their representative on the TSE signed. In fact, in recent days National Party grumbling has begun to subside. As far as the RNP directorship, there appears to be even less grounds for a change.
End Comment.

Pierce